

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JAMES BRADLEY,

Defendant.

21-CR-277-01 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


The Court has received a letter from Richard J. Ma, Esq., counsel for defendant James Bradley, asking the Court to direct the Federal Bureau of Prisons (“BOP”) to provide Mr. Bradley with teleconferencing or videoconferencing access to mental health counseling with Parents for Peace (“PFP”). Dkt. 117. Mr. Bradley began intensive counseling with PFP prior to his February 2, 2023 sentencing, in connection with which it was credibly demonstrated that such counseling had proven productive and rehabilitative. And the Court, at sentencing and in the ensuing judgment it issued, specifically recommended to the Bureau of Prisons that it facilitate Mr. Bradley’s ongoing counseling by PFP. *See* Dkt. 106 (judgment) at 2.

Because the defense has not identified a source of authority permitting the Court to order the BOP to furnish Mr. Bradley such counseling, the Court denies the defense’s request, without prejudice to the defense’s right to renew such a request upon an identification of such authority. However, the Court is dismayed by the defense’s report that the facility at which Mr. Bradley has been held, FCI Gilmer, has been “essentially unresponsive” to counsel’s requests that Mr. Bradley be given access to such counseling, as recommended by the Court. *See* Dkt. 117 at 2. Based on its familiarity with the case, including through its supervision of the

sentencing process, the Court regards such counseling as integral to Mr. Bradley's continuing rehabilitation. The Court accordingly directs, in the first instance, that within 14 days of this order, the warden of FCI Gilmer file on the docket of this case a sworn declaration, responding to Mr. Ma's letter, and setting forth with specificity the steps that FCI Gilmer has taken to accommodate the Court's recommendation that Mr. Bradley be furnished access to PFP, and, if no such steps are taken or contemplated, explaining why not. Following receipt of this declaration, the Court will determine appropriate next steps, if any, including potentially commissioning an evidentiary hearing on this point. The Court asks that Government counsel assure that the warden is promptly notified of this order, and assist the warden, as necessary, in timely filing the declaration.

The Clerk of Court is requested to terminate the motion at Dkt. No. 117.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: June 5, 2023  
New York, New York